App. F. IX-4

Previous References

1933-34 (G.2)

File No. 806-33

Serial Nos. 1—2

Later References

PRESERVED

General and Revenue Secretariat.

Serial Nos. 2 (P) / (E)

Part B for December 1933

SUBJECT.

Legal opinion as to whether according to Mohammedan Law, the amount unpaid Mahar can be a charge on the amount insured at the time of payment.

No. JE 3136 dt 11.12.33 to the Secretary, Mysore State Life Insurance Limited

Forwards a copy of the legal opinion

By

S/14.12

2665/p 33

1584

71

General and Revenue Secretariat G.F. File No. 206 of 1933 [App. F. III—2

Serial No. 1

B 1584

From the Secretary, State Life Insurance Committee
No 86 46 S/11-11-1933 — Enquiring whether according to mahomedan Law the amount of unpaid Mahar can be a charge on the ~~insurance~~ amount insured at the time of payment

1) Subdn- The Secretary has forwarded papers connected with a case of part of the amount of insurance to the deceased claimants for legal opinion in the matter. After perusal this will be 14.11.33 referred to the Law Deptt.

H. Seery) 14/11/33.

2) Yes.
13.11.33

Law Deptt) 15/11/33.

3) Mahr or Dower is a sum of money or other property which the wife under Mahomedan Law is entitled to receive from her husband in consideration of the marriage. This claim for dower is a debt payable out of the estate of her husband. A widow is in this respect an ordinary creditor and such a debt has no priority over other debts. She is not even entitled to a lien on any specific property of her deceased husband, unless she is in possession of such property, the possession having been

NOTE—Contn. Sheet.

WD 0434—GPB—15,000—12-10-32

1584

2003

File No. of 193 | General and Revenue Secretariat

Serial No.

Obtained "lawfully and without force or fraud"; in which case she has a right of retention till the dower debt is paid by the other heirs of her husband.

203/law

4) Since the insurance office is not concerned with payment of the debts of the insured, unless for such debt the insured amount has been duly attached by an order of the Court, it is not at all necessary for the office to enquire into the existence or otherwise of a make debt. The amount payable under the policy may be paid to the claimants in the usual course according to law, and the widow if she wants the make debt to be paid out of such amount has to file a suit against her husband's heirs and get an order of the Court to that effect.

Sir Sr)

30/11/33

5) Subd. May the above view be communicated to the Insurance Deptt?

6) yes. Please put up draft for the approval of the Hl Secy.

1.12.33.

Draft put up for approval

For approval.

Hl Secy) 1.12.33.

5/12/33.

General and Revenue Secretariat | File No. | of 193

Serial No.

2.

H No: 3136 N 11.12.1933.

To. Secy: Ins: Com

Forwards copy of the legal opinion (in paras 3 & 4 of the note.)

Dep/B.

15/12

WD 70—GBPM—60,000—13-8-31

MR

C.7-206-33-1

4

M. S. L. I.
O. 20.

MYSORE STATE LIFE INSURANCE OFFICE.

No. 3

In reply please quote—
No. 8696
Encl. 1 file 742 pages

FINANCIAL BRANCH
1584
13 NOV. 1933
GEN. & R. & S.

BANGALORE,
Dated, the 10th November *1933*.

11

FROM

M. VENKATESA IYENGAR, Esq., M.A.,
Secretary, Mysore State Life Insurance Committee,
Bangalore.

To

A. N. RAGHAVACHAR, Esq., M.A.,
Officiating Financial Secretary to the Government
of His Highness the Maharaja of Mysore,
BANGALORE.

SIR,

I have the honour to forward herewith the policy file No. 46397 held by late Mr. Mohamed Ghouse Peer, Assistant Master, Urdu Primary Boys' School, Krishnarajpet, for favour of obtaining legal opinion regarding provision to be made for mahar before distributing, under Insurance Regulation of 1921, the bonus due under a policy or policies according to Mohammedan Law. The question is whether unpaid mahar can be a charge on the Insurance in the sense of keeping out a share any more than any other debt can be, in other words, if in distributing the bonus due under an unnominated policy, enquiry should be made about the existence of a mahar and, if intimated, whether the amount of assurance should be distributed subject to the mahar

If enquiries have to be made, some cases may possibly require the tracing of the heirs of the wife, if she is dead at the time of payment.

The details of the present case are briefly noted hereunder for kind information.

The Insured died without nominating any one to his policy. From the list of surviving relations (Flagged 'C') received from the Urdu School Board Assistant, Mysore, it is seen that Mrs. Zainab Bi, wife and Mrs. Zainab Bi, elder sister of the deceased Insured are the only claiments to the assurance. The amount available was, under the Insurance Regulations, distributed between the wife and sister of the

deceased

deceased Insured as per Mohammedan Law of Division and the respective shares paid to them.

After the payment order was issued, the wife of the deceased Insured put in an application (Flagged 'X') stating that the mahar amounting to Rs. 250/- has not been considered while distributing the assurance. She was replied that this office could not do anything in the matter as she had not apprised this office of the fact at the very outset.

I have the honour to be,

Sir,

Your most obedient servant,

P Kashava Rao

For Secretary,
Insurance Committee.

HN 10/4/32

Appendix F G—1]

6

SUBJECT .....

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Section C.7

File No. 206-33

Serial No. 2

Diary No. of letter replied to.....

No. 2E 3136 Secy

To

The Secy: Govt: Ceylon:

Sir,

General and Revenue Secretariat

( )

the *193* .

Subject:- Legal opinion regarding provision to be made for "matron" under the Immigrants Regulation of 1921.

Date of issue..... 4/12/33

With reference to your letter No: 8896 of the 4th Nov: 1933 on the above subject, I am directed to forward herewith a copy of the legal opinion of the Crown Proctor.

Signed by..... Mr Rees

a Please type paras 3 & 4 of the notes.

2. The enclosures received with your letter under reference are herewith returned.

I have the:
honour to be
Sir
Your obedient
servant
for Secy: Govt:
1.12.33.

List of enclosures.....

28 Nov 33
27/11

Copied by..... W. 4/12/33

Examined by.....

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. FC 313.6 Ins 42,206.33.

Dated, Bangalore, 9th Dec. 1933.

From

The Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary,
State Insurance Committee,
Bangalore.

Sir,

Subject: Legal opinion regarding provision to be made for "~~Mature~~ Mahar" under the Insurance Regulation of 1921.

With reference to your letter No. 8696 dated the 11th November 1933 on the above subject I am directed to enclose herewith copy of the legal opinion.

2. The enclosures received with your letter under reference are herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

M Shamanna

For Financial Secretary to Government.

TSS.